

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN ALLEN,
Plaintiff,)
)
v.) Civil Action No. 07-1617
ADMINISTRATIVE OFFICE OF)
THE PENNSYLVANIA COURTS,)
OR THE OFFICE OF THE SUPREME)
COURT OF PENNSYLVANIA,)
)
and)
)
ALLEGHENY COUNTY)
ADMINISTRATION, PENNSYLVANIA,)
)
Defendants.)

MEMORANDUM ORDER

Gary L. Lancaster,
District Judge.

November 30, 2007

Before the court are plaintiff's motion for leave to proceed in forma pauperis and pro se complaint. For the reasons that follow, plaintiff's motion will be granted, and his complaint dismissed.

I. BACKGROUND

Plaintiff's pro se complaint is somewhat unfocused; however, he appears to allege that his civil rights were violated by defendants when awards were issued against him in Pennsylvania state court for unpaid child support payments and for unpaid foster care reimbursement payments. Plaintiff, apparently, alleges that

these state court claims against him are false and resulted from defendants' conspiracy to deprive him of his civil rights. Plaintiff seeks five million dollars (\$5,000,000.00) in compensatory damages and three million dollars (\$3,000,000) in punitive damages.

II. DISCUSSION

A. Motion for Leave to Proceed In Forma Pauperis

We first address plaintiff's motion for leave to proceed in forma pauperis.

Congress has authorized the federal courts to allow a party to proceed with the commencement, prosecution, or defense of an action in forma pauperis. 28 U.S.C. § 1915(a). In doing so, Congress recognized the public policy concern that persons who are unable to pay fees or give security should be permitted to prosecute or defend actions that affect their legal rights. Because it appears that plaintiff is unable to pay the costs associated with commencing this action, we will grant him leave to proceed in forma pauperis.

B. Complaint

Next, we turn to plaintiff's complaint.

In enacting section 1915, Congress granted the courts an extra measure of authority when evaluating an in forma pauperis action. Under that section, the court shall dismiss such an action

if it determines that the action is frivolous, or fails to state a claim on which relief may be granted. Id. at §§ 1915(e)(2)(b)(i), (ii). If it so finds, the court may dismiss a claim sua sponte, even before the summons issues. Johnstone v. United States, 980 F. Supp. 148, 150 (E.D.Pa. 1997).

A complaint is frivolous if it is "based on an indisputably meritless legal theory," or sets forth "clearly baseless" factual contentions. Neitzke v. Williams, 490 U.S. 319, 327 (1989). Moreover, a complaint fails to state a claim if, with all well-pleaded allegations taken as true, and viewed in the light most favorable to plaintiff, it does not state any valid claim for relief. See ALA, Inc. v. CCAIR, Inc., 29 F.3d 855, 859 (3d Cir. 1994). This is clearly such a complaint.

III. CONCLUSION

For the foregoing reasons, the court will grant plaintiff's motion for leave to proceed in forma pauperis, but will dismiss his complaint as frivolous and as failing to state a claim upon which relief may be granted.

An appropriate order follows.

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COURT OF PENNSYLVANIA,

and

ALLEGHENY COUNTY
ADMINISTRATION, PENNSYLVANIA,

Defendants.

ORDER

AND NOW, this 30 day of November 2007, upon consideration of plaintiff's motion for leave to proceed in forma pauperis, said motion is hereby GRANTED. It is FURTHER ORDERED that plaintiff's complaint is hereby DISMISSED, with prejudice.

BY THE COURT:

G L Lawant J.

cc: All Counsel of Record